

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

Claim 1. (currently amended) A DNA construct comprising:

(1 i ) a selective marker gene,

(2 ii ) a galactose-inducible growth inhibition sequence (GIN),

(3 iii ) a pair of FRT (Flp recombinase recognition target) sequences in the same orientation flanking (1 i ) and (2 ii ), and

(4 iv ) a DNA fragment capable of recombining with a yeast chromosomal DNA located at each end of (3 iii ),

wherein ~~said FRT sequences contain the following sequence~~ both of said FRT sequences have deletions of nucleotides in the following sequence:

5'-GAAGTTCCTATAC TTTCTAGA GAATAGGAACTTC-3' (SEQ ID NO: 1)

inverted                      spacer                      inverted

repeat (1)                      sequence                      repeat (2)

~~or a sequence substantially identical to said sequence,~~

~~provided that in each member of said pair of FRT sequences, the inverted repeat distal from the flanked selective marker gene and growth inhibition sequence has at least one but no more than six nucleotides deleted on the side distal from the spacer sequence~~

wherein the FRT sequence which exists at the 5' side of the selective marker gene and the GIN sequence has at least 1 but not more than 4 nucleotides deleted from the 5' end of the inverted repeat (1) thereof; and

wherein the FRT sequence which exists at the 3' side of the selective marker gene and the GIN sequence has at least 1 but not more than 5 nucleotides

deleted from the 3' end of the inverted repeat (2) thereof .

Claim 2. (currently amended) The DNA construct of ~~claim 1~~ any one of claims 1, 11 and 12 wherein a gene of interest is inserted between the DNA fragment capable of recombining with a yeast chromosomal DNA and a FRT sequence adjacent to said fragment

Claim 3. (previously presented) A method for transforming a yeast of the genus *Saccharomyces*, comprising:

(1) transferring the DNA construct of claim 1 into yeast cells to integrate said DNA construct into a yeast chromosome by recombination between the two DNA fragments and the yeast chromosomal DNA,

(2) selecting yeast cells transfected with said DNA construct based on the expression of the selective marker gene contained in said DNA construct,

(3) culturing said cells in a non-selective medium to induce recombination between the pair of FRT sequences contained in said DNA construct, thereby excising the selective marker gene, and

(4) culturing said cells in a medium containing galactose to select growable yeast cells.

Claim 4. (previously presented) The method of claim 3 wherein said DNA construct further comprises a gene of interest between said DNA fragment and said FRT sequence adjacent to said fragment.

Claim 5. (original) The method of claim 4 wherein the step of claim 4 is repeated to introduce a plurality of genes of interest.

Claim 6. (currently amended) A yeast of the genus *Saccharomyces* transformed by the method of ~~claim 3~~ any one of claims 3 to 5.

Claim 7. (previously presented) A method for producing a beer comprising the following steps:

adding the yeast of the genus *Saccharomyces* of claim 6 to wort, and fermenting said wort containing the yeast.

Claim 8. (original) A beer obtained by the method of claim 7.

Claim 9. (cancelled)

Claim 10. (cancelled)

Claim 11. (new) The DNA construct of Claim 1,  
wherein the FRT sequence which exists at the 5' side of the selective marker gene and the GIN sequence has 3 or 4 nucleotides deleted from the 5' end of the inverted repeat (1) thereof; and  
wherein the FRT sequence which exists at the 3' side of the selective marker gene and the GIN sequence has 3-5 nucleotides deleted from the 3' end of the inverted repeat (2) thereof.

Claim 12. (new) The DNA construct of claim 1,  
wherein in the case that the FRT sequence which exists at the 5' side of  
the selective marker gene and the GIN sequence has the following sequence  
(FRT102):

5'- G TTCCTATAC TTTCTAGA GAATAGGAACTTC-3' (SEQ ID NO: 3),

inverted	spacer	inverted
repeat (1)	sequence	repeat (2)

the other FRT sequence which exists at the 3'side of the selective marker  
gene and the GIN sequence has the following sequence (FRT2):

5'-GAAGTTCCTATAC TTTCTAGA GAATAGGAAC -3' (SEQ ID NO: 2); or

inverted	spacer	inverted
repeat (1)	sequence	repeat (2)

wherein in the case that the FRT sequence which exists at the 5' side of  
the selective marker gene and the GIN sequence has the following sequence  
(FRT103):

5'- TTCCTATAC TTTCTAGA GAATAGGAACTTC-3' (SEQ ID NO: 6),

inverted	spacer	inverted
repeat (1)	sequence	repeat (2)

the other FRT sequence which exists at the 3'side of the selective marker  
gene and the GIN sequence has the following sequence (FRT3):

5'-GAAGTTCCTATAC TTTCTAGA GAATAGGA -3' (SEQ ID NO: 5).

inverted	spacer	inverted
repeat (1)	sequence	repeat (2)